

Summary Reasons, humbly tendered to the most Honourable House of Peers by some Citizens and Members of London, and other Cities, Boroughs, Corporations, and Ports, against the new intended Bill for Governing and Reforming CORPORATIONS.

First, this Bill deprives all Cities, Boroughs, Corporations, Ports of England and Wales (8. times particularly named and comprised in the *Act of Oblivion and Indemnity*) with all their Magistrates, Officers and Members, of the common benefit, pardon, grace therein intended, and equally granted to them, as well as to other Subjects, without discrimination, by the Kings Most Gracious Majesty, who in his successive printed Messages, Declarations, Speeches to the last and present Parliament, hath solemnly promised in his own Royal Person and Ministers, and conjured all his Subjects, and this present Parliament in their proceedings, most religiously and inviolably to observe the same, and every part and branch thereof, without the least infringement: By reviving not only the former marks and names of distinction between his Subjects, but also the memory, infamy, reproach and punishment of all their formerly remitted and forgotten Crimes, even unto the un-magistrating, dis-officing, dis-franchising and dis-membring of them in the respective Cities, Boroughs, Ports, and Corporations where they live, to their own and their Posterities obloquy and disgrace, even since his Majesties and this Parliaments fresh confirmation of that Act, and his Royal advice and command to Both Houses of Parliament on Monday last, only to look forwards, but not back to any thing that was past.

2ly, It is directly contrary to the Great Charter of the Liberties of England, made in the 9th year of King Henry the third, c. 9 (since ratified by 40. near forty other Parliaments and special Acts) (b) That the City of London, and all other Cities, Boroughs, Townes, the Barons of the Cinque-ports, and all other Ports, shall have all their old Liberties and free Customs, whereof this is one principal branch, freely to elect, place and displace their own Magistrates, Officers, Members, and not to be visited, placed or displaced by any Foreigners, Visitors, Commissioners, as is evident by their respective Charters, the Statute of 3. Ed. 1. cap. 5. the Customs of London, and Asbehis Repertory, Tit. London, Sect. 6. 38, 39, 40, &c.

3ly, It invalidates, rescinds, annuls all the particular Charters of former Kings, and all private Acts of Parliament confirming them, formerly granted to London and other Cities, Boroughs, Corporations, Ports; which all our Kings by their (c) Coronation Oaths, (and his Majesty at his late Coronation) have sworn to grant, ratify, and maintain to their Power.

4ly, It gives the numerous Commissioners named in the Bill, or any five of them (who are all Commoners) an absolute arbitrary power over the greatest Peers of the Realm (as the Dukes of York and Ormond, the Lord Chancellor, Lord Treasurer, Earles of Pembroke, Salisbury, and other Lords who are Officers, Stewards, Wardens of several Cities, Boroughs, Ports, Corporations of this Realm) to remove and displace them at their pleasure and discretion, without any legal trial, contrary to Magna Charta, their Peerage and privilege of Parliament; And it likewise impowers them, or any five of them, though no Members, to remove and displace all the Members of the Commons House, who are Magistrates, Officers or Members of any City, Borough, or Port, (as divers of them are) notwithstanding their Privilege of Parliament, and so by consequence to make them no Members of this Parliament, there being no exception nor provision for the Peers or Members in this Act, to exempt them from this new Visitation.

5ly, It enables these Commissioners, or any five of them, jointly and severally by their Warrants, to summon all Magistrates, Officers and Members of every City, Corporation, Borough and Port of England and Wales, from out of their respective Precincts, to what place soever they shall fit, within the County where they are situated, though 20, 30, 40, or 50. miles distant, if they please to call them thither, the Act confining them to no certain place or distance: which how vexatious, chargeable, injurious it may prove to the Persons summoned, and how destructive to many Cities, Boroughs, Ports and Corporations Charters, prohibiting any to draw them out of their own Cities and Corporations for any matter or offence relating thereunto, We humbly refer to your Lordships serious consideration.

6ly, It authorizeth the Commissioners appointed for the Cities and Corporations of York, Gloucester, Exeter, Bristol, Newcastle, Canterbury, Lincoln, Pool, &c. (which are Counties within themselves) to summon all their Magistrates, Officers and Members to appear before them out of the limits of their particular Counties, at any place of the Shire wherein they are situated, contrary to their ancient Charters and privileges, the Law of the Land, and Reason of the Statutes enacting, (e) That no man shall be compelled to go out of his own County, for the publique defence and safety of the Realm, unless in case of Necessity, by reason of foreign Enemies coming into the Realm, (f) nor cited out of his own Diocese, to answer any particular offence, much lesse then to go out of his own County and Precincts thereof, upon such a strange, unnecessary Visitation and Occasion as this, which hath neither precedent nor parallel in any Record or Historie that can be produced.

7ly, It utterly subverts, annuls and extirpates the grand fundamental Law of England, the Great Charter, and all Acts of Parliaments, antiently & lately made for the securitie of the Subjects Freeholds, Liberties, Franchises, and free Customs against Arbitrarie and Tyrannical invasions; particularly the Statutes of Magna Charta, cap. 29. 25. Edw. 1. cap. 1. 2. 28. Edw. 1. cap. 1. and near 40. other Acts of Parliament for confirmation of the Great Charter in general, 5. Ed. 3. c. 9. 15. Ed. 3. c. 9. 23. Ed. 3. c. 4. 28. Ed. 3. c. 3. 38. Ed. 3. c. 9. 42. Ed. 3. c. 2. 3. 2. H. 4. Rot. Parl. n. 60. 20. H. 6. c. 6. the Petition of Right, 3. Car. And the Act for regulating the Privy Council, &c. 17. Car. c. 10. All which declare and enact, (g) That no Freeman shall be disseised or put out of his Freehold, Franchises, Liberties, free Customs, Lands or Tenements, nor put to answer for the same, unless he be brought in to answer by due processe of Law, according to the old Law of the Land, or fore-judged of the same by matter of Record in due Course of Law, by the lawfull Tryal and Judgement of his Peers, and Law of the Land; and if any thing be done to the contrary it shall be void and nought in Law, and holden for error. Now this Act authorizeth the Commissioners, or any five of them, to displace, disseise, out all and every Magistrate, Officer, Freeman, Citizen, Burgess, Member of any City, Borough, Port or Corporation aforesaid, both of his Office, Franchise and Liberty, (wherein he hath as absolute and good a Freehold in Law as any Lord, Knight, Member of Parliament, or other Freeman of England hath in his Lands, Tenements, Offices or Honours) without any legal Processe, original Writ, Enditement, Declaration, Tryal, Jurie, Oath of Witnesses, Legal Processe or Judgement, at their mere Arbitrary discretion; An Injustice, Arbitrary proceeding and tyranny, oft provided against and condemned by all former English Parliaments; therefore not to be approved or countenanced in the least degree by this Parliament and your Lordships, who so much condemne the late arbitrary powers, proceedings of Sequestrators, Decimators, and Committee-men during our Wars, and sad confusions; which these Proceedings not only imitate but exceed in some degree, being without oath, or legal accusation.

8ly, The Commissioners appointed by this Act, as they have a more absolute, arbitrary, boundlesse power, to displace all Magistrates, Officers, Members of Cities, Boroughs, Ports and Corporations, without any distinction of persons, or rules of Law, then was ever granted to any sort of Judges, Justices or Commissioners in former ages; so they have no Oath at all prescribed to them before they Act, to prevent the Abuses and Extravagancies which may happen in the Execution thereof, as all other (h) Judges, Justices, Sheriffs, Ministers, and Officers of Justice, Commissioners of the Peace, of (b) Sewers, Ports, Castles, Policies of Assurance, &c. have alwayes had by Acts of Parliament erecting them, to this effect; That to your Cunnning, Wit and Power, you shall truly and indifferently execute the Authority to you given by this Commission, without any Favour, Corruption, Dread or Malice to be borne to any manner of Person or Persons, and as Occasion shall require for your part you shall endeavour to make such wholesome, just, equal, and indifferent Judgements and Decrees, as shall be devised by the most discreet and indifferent number of your Fellows, being in Commission with you, for the due Redresse, Reformation and Amendment of all and every such things as are contained in the said Commission, and the same to your Cunnning, Wit and Power, cause to be put in due Execution without favour, meed, dread, malice or affections, as God you help; which Oath will be far more requisite in this Case then any other, to prevent all Corruption, Malice, Rancor and Revenge in Commissioners and Informers, after our many years Wars, Discords and Refeniments of former injuries, not yet buried in Oblivion, over-apt to be remembred upon all occasions.

9ly, There is no appeal provided in this Act from any five of the Commissioners sentence, and removal of any Magistrate, Officer or Member aforesaid, (though never so injurious) either to the Major part of the Commissioners of each County, or to the Justices of the peace in their Quarter-Sessions, Judges of Assize, Kings Bench, or other his Majesties Courts at Westminster, or to the Lord Chancellor of England, or Lords in Parliament, as is (i) usual in all Cases of Dis-franchisement, other Judgements and Decrees made by Commissioners, and all inferiour Courts of Justice; If any erroneous Judgement or Dis-franchisement be given in any Corporation or inferiour Court, the party grieved is relievable by a Writ of Error in the Kings Courts at Westminster, and erroneous Judgements in the Kings own Courts there, are remediable in the Exchequer Chamber, and Lords House, by Writ of Error or Appeals; All erroneous Acts, and unjust Judgements in one Parliament, are reversible in another, because all Commissioners, Courts, Judges, & Parliaments too may erre, and it is most just and reasonable that parties injured by one Judicature, should be righted and relieved by another, not left remediesse: Much more therefore in this Case, where the proceedings are meerly arbitrary, without any Rules of Law, to which other Judicatures are confined.

10ly, It gives the Commissioners power to destroy all the Cities, Burroughs, Corporations, Ports of England and Wales, and their respective Charters, under pretext of confirming them, For the Commissioners or any five of them may put out and displace all, or so many of their Magistrates, Aldermen, Common-counsell men, and Members at their discretion, if they please, as there will not be left a Competent number to elect others in their places, according to their Charters, whereby the Corporations and their Charters will be destroyed, and their Election of Members to serve in Parliament, together with them. A thing of dangerous consequence, extremely prejudicial to his Majestie and the Kingdom, and destructive to his Majesties Customs and Excise, arising principally out of Corporations and their Members.

11ly, It puts all Corporations, and their Magistrates, Officers, Ministers, Members into a far worse Condition, in some respects, then if no Act of Oblivion and Indemnity had been passed by his Majestie and the Parliament; For if they had been questioned for any offence for which they shall now be Displaced & Dis-franchised, either by a Quo Warranto, Indictment or Proceedings in any Court of Justice, they should have had a Legal Tryal by their Peers, a Liberty to Challenge their Juries, (who are Judges of the matter of Fact charged against them,) the benefit and advice of Counsell, all just and legal Exceptions to their Indictments, Presentments, Declarations, and Witnesses produced against them upon Oath face to face, with the benefit of their own Witnesses upon Oath, for their Vindication and Acquittal: of all which they are totally deprived by this Act, and left only to the Commissioners arbitrary discretion and mercy, without any legal defence of their Innocence and Loyalty too.

12ly, The passing of this Act, as it is altogether needlesse in respect of its restoring part, since all Magistrates, Officers and Members of Corporations, formerly ejected for their Loyalty, are already restored, or may be restored upon request, or by a (l) Writ of Restitution in the Kings Bench, without the help of this Act; so the removing part, must needs revive the memory and Examination of former injuries, and stir up new Divisions, Contentions, Factions and Parties, both between the Commissioners themselves, and the Magistrates, Officers and Members of every City, Burrough, Corporation and Port, dividing them one from and against each other, to the great disturbance of the Publique Peace, (m) their own ruine, the diminution of his Majesties Revenue, decay of Trade, obstruction of the Free & voluntary Supply now granted to his Majesty, and frustration of those pious, gracious, healing, uniting ends expressed in the Act of Indemnity and Oblivion: At the best it will prove a remedy far worse than any disease it pretends to cure; and this one President of meer Arbitrary power and proceedings, made by a Parliament of England, against the Franchises, Liberties, Freeholds Privileges, of all Cities, Burroughs, Ports and Corporations in England and Wales, and their Magistrates, Officers, Members, may in after ages prove fatal and destructive to the Inheritances, Franchises and Freeholds of all the Nobility, Gentry, and other Freeman of England, who may be deprived of them by like Arbitrary Commissioners and Proceedings, without any legal Tryal or Conviction, if they consent to this new Bill, and to the Promoters of it, against their Oaths and Trusts to the Cities, Burroughs, Corporations, Ports, who made them Freeman, and entrusted them to maintain their Liberties and Common Utility by their best Counsell and Advice, especially in Parliament.

All which we humbly submit to your Lordships grave and prudent Considerations, for our own, and the King and Kingdoms publique benefit, safety and tranquillity, and doubting of your Justice, nor of his Majesties grace and goodness for our relief in all the premisses, against this Bill, so fatal to all our Cities, Burroughs, Corporations Charters, Liberties, Tranquillity, Unity, and Prosperity.